

## REMARKS

This Response is submitted in reply to the Office Action dated December 13, 2004. Claims 11, 15-18 and 20-26 have been amended. No new matter has been added to the Claims. A One-Month Petition for an Extension of Time to respond to the Office Action is submitted herewith. A check in the amount of \$120.00 is enclosed herewith to cover the cost of such one-month extension. Please charge deposit account No. 02-1818 for any insufficiency or to credit any overpayment due in connection with this Response.

### **Claim Rejections – 35 U.S.C. §112**

The Office Action rejected Claim 24 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The Office Action stated that such Claim contains subject matter which was not described in the Specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, the Office Action stated that the support for the sequential treatment of symbols as a wild symbol appears to be lacking in the Specification as originally filed.

Applicants respectfully disagree with and traverse such rejection. The Specification, as originally filed, states that “[i]n order to prolong the enjoyment of the bonus round and increase anticipation and excitement, the gaming machine is preferably programmed so that each wild symbol appears one at a time on the display.” (Specification, Page 20, Lines 2-5). As set forth in the August 20, 2004 Response to Office Action, Claim 24 states: “The gaming device of Claim 23, which includes at least one instruction executable by the processor to sequentially treat each of the symbols displayed at each one of the designated locations as a wild symbol.” As described in the Specification, in one embodiment, a reel symbol is treated as or functions as a wild symbol when a visual marker identifies it as such. (Specification, Page 11, Lines 5-17). Therefore, Applicants submit that the Specification, as originally filed, discloses the subject matter of Claim 24 as set forth in the August 20, 2004 Response to Office Action. Accordingly, Applicants respectfully request the withdrawal of such rejection.

The Office Action rejected Claim 21 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Office Action stated that Claim 21 recites, "wild symbols are wild as to fewer than" which is unclear and has been interpreted as "wild symbols are fewer than" for the purposes of examination. Applicants have amended Claim 21 to clarify the Claim language. Accordingly, Applicants respectfully submit that such amendment overcomes such rejection.

### **Claim Rejections – 35 U.S.C. §103**

The Office Action rejected Claims 11 and 15-26 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,439,993 to O'Halloran ("O'Halloran") in view of Applicants' admitted prior art. Applicants respectfully disagree with and traverse such rejection for the reasons provided below.

### **Invention**

In one embodiment, the invention disclosed in the Specification addresses one of the problems arising from the use of wild card symbols in gaming devices. As described in the Specification, "the appearance of a wild symbol in any position would always provide a winner. This is a desirable outcome for the player, but the effect on the house hold would be significantly affected. . ." (Specification, Page 10, Line 27 to Page 11, Line 1). One embodiment of the invention addresses this problems as follows:

. . . each wild symbol is wild as to only a subset of game symbols. For example, the wild symbols may operate on all symbols except bells. The wild symbols can also be configured so that they do not operate on symbols in special situations. For example, the game designer might choose to have the wild symbols operate on all game symbols except those that may produce a scatter pay. (Specification, Page 20, Lines 7-11).

Accordingly, the invention, in one embodiment, discriminately applies the wild symbols to designated winning conditions, rather than all of the winning conditions. This assists facility operators in managing the winning level while wild symbols are used in the gaming devices.

### **Art Disclosed in Specification**

The Office Action stated that the rejections of this Office Action address the claimed subject matter in light of Applicants' disclosure in the last paragraph of page ten of the Specification beginning with the phrase, "In the play of prior art reel-type games."

The Office Action also stated that:

O'Halloran is silent however regarding the inclusion of symbol positions bearing game symbols that produce scatter pays are excluded from the random selection of wild symbol positions. The applicant in the last paragraph of page 10 of the specification as originally filed presents this feature as a position sensitive wild symbol.

Upon Applicants' review of the Specification, Applicants respectfully submit that the Office Action misinterprets the disclosure in the Specification or the claimed subject matter. The following section of the Specification ("Section") states:

In the play of prior art reel-type games, the wild cards, in those few instances where they are used in reel-type games, are position-sensitive and are wild only in the specific position where they appear. For example, if the wild symbol were not position-sensitive, where a cherry in the first position would pay two wagered units, the appearance of a wild symbol in any position would always provide a winner. This is a desirable outcome for the player, but the effect on the house hold would be significantly affected, and the programming would tend to reduce the frequency of appearance of the wild symbol to maintain the house hold at a favorable level. This would reduce the frequency of the wild symbol, and this would reduce the entertainment value of the play of this feature. (Specification, Page 10, Line 24 to Page 11, Line 4).

This Section of the Specification relates to wild cards being wild in the specific position on the reels in which they occurred. The above Section of the Specification does not disclose the concept of limiting the application of wild symbols to designated winning combinations or winning conditions.

### **O'Halloran**

O'Halloran discloses a gaming machine having a reel game with a plurality of symbols. When a predetermined event occurs, the gaming machine substitutes wild

card symbols for original symbols on the reels. The wild card symbols are used to form winning combinations on the reels.

O'Halloran does not discriminate with respect to how its one or more wild symbols are applied to other symbols on the reels. O'Halloran states that "the wild cards can substitute for every original/other symbol on a win line. (O'Halloran, Column 1, Line 53-54) (Emphasis Added). O'Halloran further states that "[w]ild card symbol 30 is a symbol that can be substituted with any other symbol 22 to produce a prize winning combination." (O'Halloran, Column 2, Lines 55-57) (Emphasis Added). Such disclosure of O'Halloran teaches away from limiting the application of the wild card symbols to designated winning conditions. Applicants submit that O'Halloran does not disclose, teach or suggest precluding the application of wild symbols to scatter pay conditions, as acknowledged in the Office Action. Applicants further submit that O'Halloran does not disclose, teach or suggest precluding the application of wild symbols to any other win conditions. Accordingly, Applicants submit that O'Halloran fails to disclose, teach or suggest the claimed subject matter.

For the reasons provided above, Applicants submit that the combination of O'Halloran and the above Section of the Specification does not disclose, teach or suggest the subject matter defined by the Claims of the August 20, 2004 Response to Office Action. Nonetheless, to advance the prosecution of this application, Applicants have made certain amendments to the Claims to clarify the Claim language.

Amended Claim 11 (and Claims 19-21 which depend therefrom) are directed to a method of playing a video wagering game. The method includes a player placing a wager on a reel-slot-type video game, where the game has a plurality of symbol positions; displaying a plurality of randomly selected game symbols on a display, where each symbol appears in a designated symbol position; upon occurrence of a predetermined triggering event, randomly selecting between zero and fewer than a maximum number of viewable symbol positions as a wild symbol position; converting each symbol displayed within each selected wild symbol position to a wild symbol, wherein each one of the wild symbols operates on least one but not all of the displayed game symbols; and determining at least one game outcome based on the displayed

game symbols and the operation of any of the wild symbols. The combination of O'Halloran and the above Section of the Specification does not disclose, teach or suggest such a method. Specifically, such combination does not disclose, teach or suggest converting each symbol displayed within each selected wild symbol position to a wild symbol, wherein each one of the wild symbols operates on at least one but not all of the displayed game symbols. Accordingly, Applicants respectfully submit that Claims 11 and 19-21 are in condition for allowance.

Amended Claim 15 (and Claims 16-18 which depend therefrom) are directed to a method of playing a video wagering game with a bonus feature. The method includes a player placing a wager on a reel-slot-type video game having a plurality of symbol positions; displaying a plurality of randomly selected game symbols on a display, where each symbol appears in a designated symbol position; addressing any winning events by a procedure selected from the group consisting of a) resolving any winning events, b) carrying any winning events forward for later resolving, and c) carrying any winning events forward for modification of the winning event by a bonus play; upon occurrence of a predetermined triggering event for a bonus event, randomly selecting at least one and fewer than all of such plurality of symbol positions as a wild symbol position; converting each symbol displayed within each selected wild symbol position to a wild symbol; causing each one of the wild symbols to operate on at least one but not all of the displayed game symbols; and determining a bonus outcome based on the displayed game symbols and the operation of any of the wild symbols. The combination of O'Halloran and the above Section of the Specification does not disclose, teach or suggest such a method. Specifically, such combination does not disclose, teach or suggest causing each one of the wild symbols to operate on at least one but not all of the displayed game symbols. Accordingly, Applicants respectfully submit that Claims 15 and 16-18 are in condition for allowance.

Amended Claim 22 is directed to a method of playing a video wagering game. The method includes a player placing a wager on a reel-slot-type video game, where the game has a plurality of symbol positions; displaying a plurality of randomly selected

game symbols on a display, where each of the game symbols appears in a designated symbol position; upon occurrence of a predetermined triggering event in a base game, after displaying a plurality of the game symbols in the designated symbol positions, randomly selecting in a bonus event between zero and fewer than a maximum number of viewable symbol positions as a wild symbol position; converting each of the game symbols displayed within each selected wild symbol position to a wild symbol; causing each one of the wild symbols to operate on at least one but not all of the displayed game symbols; and determining game outcomes based on the displayed game symbols and the operation of any of the wild symbols. The combination of O'Halloran and the above Section of the Specification does not disclose, teach or suggest such a method. Specifically, such combination does not disclose, teach or suggest causing each one of the wild symbols to operate on at least one but not all of the displayed game symbols. Accordingly, Applicants respectfully submit that Claim 22 is in condition for allowance.

Amended Claim 23 (and Claims 24-26 which depend therefrom) are directed to a gaming device. The gaming device includes a game operable upon a wager. The game includes a plurality of reels, where each of the reels defines a plurality of locations for a plurality of symbols. The reels display a plurality of different combinations of the symbols after the reels are spun multiple times. The gaming device includes a plurality of winning conditions associated with a plurality of the combinations, and the gaming device includes an award associated with each one of the winning conditions. Also, the gaming device includes at least one wild function which is: (a) operable on at least one but not all of the symbols; and (b) operable to increase a likelihood of meeting at least one of the winning conditions. The gaming device includes a triggering event that occurs when a designated one or more of the symbols is displayed during the game. Also, the gaming device includes a processor in control of the display device. The processor is operable to: (a) determine if the triggering event occurs; (b) cause the display device to visually distinguish a plurality of the locations of the reels from a plurality of the other locations of the reels; (c) cause each of the symbols displayed at each one of the visually distinguished locations to have the wild function; (d) determine if any of the winning conditions are present, taking the wild function of said symbols into

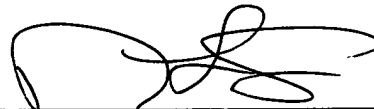
account; and (e) provide the player with the awards associated with any of the winning conditions that are present. The combination of O'Halloran and the above Section of the Specification does not disclose, teach or suggest such a gaming device. Specifically, such combination does not disclose, teach or suggest at least one wild function which is operable on at least one but not all of the symbols and which is operable to increase a likelihood of meeting at least one of the winning conditions. Accordingly, Applicants respectfully submit that Claims 23-26 are in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art, such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicants respectfully request that the Examiner contact the undersigned.

Respectfully submitted,

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BY



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